UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,627	02/11/2000	Martin Tobias	42933/329508	5454

826 7590 06/13/2008

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER	
KE, PENG	

ART UNIT	PAPER NUMBER
2174	

MAIL DATE	DELIVERY MODE
06/13/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/502,627	TOBIAS ET AL.	
	Examiner	Art Unit	
	Peng Ke	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8,10,12-17 and 21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-8, 10, 12-17, and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 2/19/08.

Claims 1, 3-8, 10, 12-17, and 21 are pending in this application. In 2/19/08, claims 1, 10, and 21 are independent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 5, 10, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. (US 6,385,596) in view of Gongwer et al. (US 6,138,120) in view of Speicher (US 2004/0260792) further in view of Pallakoff (US 6,269,343) further in view of Krisknaswamy (US 5,867,494)

As per claim 1, Wiser teaches a method for providing encoded media content over a network, the method comprising the computer-implemented steps of:

receiving over the network a first request to encode one or more media program files;

For each media program file to be encoded, receiving a selection of one or more encoding formats for encoding the media program file, wherein the first request and the selection are received from a client that is connected to the network (col. 10, lines 51-55);

in response to receiving the first request, servicing the first request by automatically generating one or more encoded media files by encoding the media program in the one or more selected encoding formats (col.7, lines 4-14), and

after encoding the media program in the one or more encoding formats,

And if the client does not request hosting of the one or more encoded media files, enabling the client to access the one or more encoded media files without hosting the files for access on a hosting server (col. 9, lines 46-68).

However, Wiser fails to teach if the client, in a second request, request hosting of the one or more encoded media files, automatically hosting the one or more encoded media files on a hosting server (col.9, lines 39-45) wherein the hosting server is configured to allow selective access by visitors to the one or more encoded media files over the network, as determined by the client (col.9, lines 46-68).

Gongwer teaches a method that allows original client of the client-server session to permit another independent client to share the data of the session (col. 1 ,lines 45-56)

It would have been obvious to an artisan at the time of the invention to include Gongwer's teaching with method of Wiser in order to permit the client to share data with a third party.

However Wiser and Gongwer fail to teach the selected encoding format being selected from at least first encoding format with a first coder/decoder ("codec") and a second encoding format with a second codec that differs from the first codec, wherein the first encoding format can be applied to the media program file.

Speicher teaches the selected encoding format being selected from a first encoding format with a first coder/decoder ("codec") and a second format with a second codec that differs from the first codec, wherein the first encoding format and the second encoding format can be applied to the media program file. (paragraph 70-73, 0127)

It would have been obvious to an artisan at the time of the invention to include Speicher's teaching with method of Wiser and Gongwer in order to allow users to view different video formats.

However, Wiser, Gongwer, and Speicher fails to teach credits are purchased by an end-user; a predetermined number of credits are associated with each e-commerce transaction associated with remote servicing of the media program; and

Pricing of said credits purchased by said end-user are inversely proportionate to a number of credits purchased.

Pallakoff teaches credits are purchased by an end-user; a predetermined number of credits are associated with each e-commerce transaction associated with remote servicing of the media program; and

Pricing of said credits purchased by said end-user are inversely proportionate to a number of credits purchased. (column 3, lines 20-65)

It would have been obvious to an artisan at the time of the invention to include Pallakoff's teaching with method of Wiser, Gongwer, and Speicher in order to allow users to receive the advantage of quantity pricing.

However, they fail to teach querying the client as to whether the encoded media program is to be deleted, hosted, or transmitted and wherein the hosting server is selected, based on the

selected encoding format, from a group of dedicated hosting servers each hosting a different type of encoding format, and wherein the client is enabled to choose a hosting server that is maintained by an entity different from that which encodes the media program.

Krisknaswamy teaches querying the client as to whether the encoded media program is to be deleted, hosted, or transmitted and wherein the hosting server is selected, based on the selected encoding format, from a group of dedicated hosting servers each hosting a different type of encoding format, and wherein the client is enabled to choose a hosting server that is maintained by an entity different from that which encodes the media program. (see Krisknaswamy 5,867,494, col. 136, lines 45-70; XV. Video Store and Forward Architecture; D. Overview)

It would have been obvious to an artisan at the time of the invention to includes Krisknaswamy's teaching with method of Wiser, Gongwer, Speicher, and Pallakoff in order to allow users with a collaborative method for processing of data objects.

As per claim 5, Wiser, Gongwer, Speicher, Pallakoff, and Krisknaswamy teach the method of claim 1. Wiser further teaches the method wherein the selective access includes access given to a visitor of the network and which allows the visitor to receive a publication of at least one of the one or more encoded media files in response to a request by the visitor to receive the publication (col. 11, lines 51-56).

Claims 10 and 14 are similar in scope to claims l and 5 respectively, and therefore are rejected under similar rationale.

Claim 21 is rejected with the same rationale as claim 1. Supra.

Claims 3-4 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. ("Wiser", US 6,385,596) in view of Gongwer et al. (US 6,138,120) in view of Speicher (US 2004/0260792) further in view of Pallakoff US 6,269,343 further in view of Krisknaswamy (US 5,867,494) further in view Pajak (US 5,065,347)

As per claim 3, Wiser, Gongwer, Speicher, Pallakoff, Krisknaswamy, and Pajak teach the organization of encoded media files into lists. However, they fail to specifically disclose the method allowing the client to create a tree structure directory for organizing the encoded media files.

Pajak teaches given that using a tree structure directory to organize files is well known in the art. (see Pajak, column 7, lines 10-45)

It would have been obvious to an artisan at the time of the invention to include the Pajak's method with method of Wiser, Gongwer, Speicher, Pallakoff, Krisknaswamy, and Pajak in order to provide as a matter of organization preference and an improved method of locating files efficiently.

As per claim 4, Wiser, Gongwer, Speicher, Pallakoff, Krisknaswamy, and Pajak teach the method claim 1. Wiser teaches the step of providing real-time reporting of statistics on the one or more encoded media files that are hosted at the hosting server (col. 11, lines 51-56). Furthermore, Wiser suggests the client to be able to manage the media files (co1.27, lines 3-4).

However, Wiser fails to teach the step of allowing the client to entering commands dynamically to determine whether to remove the one or more encoded media files from publication.

Pajak teaches given that using a tree structure directory to organize files is well known in the art. (see Pajak, column 7, lines 10-45)

It would have been obvious to an artisan at the time of the invention to include Pajak with method of Wiser, Gongwer, Speicher, Pallakoff, and Krisknaswamy so that the end-user is able to remove files that are no longer of interest thereby being cost effective.

Claims 12-13 are similar in scope to claims 3-4 respectively, and are therefore rejected under similar rationale.

Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. ("Wiser", US 6,385,596) in view of Gongwer et al. (US 6,138,120) in view of Speicher (US 2004/0260792) further in view of Pallakoff US 6,269,343 further in view of Krisknaswamy (US 5,867,494) further in view of Sauerwine (US 5,421,620) further in view of Cameron US 6,685,094

As per claim 6, Wiser, Gongwer, Speicher, Krisknaswamy, and Hilpern teach the step of causing a user interface to be displayed at the client, wherein the user interface allows entry of encoding requests and allows uploading of the media program from the client to a server over the network (co1.20, lines 65-67; col.21, lines 1-2).

However, they fail to teach the step of providing to the client an encoding request form through the user interface, wherein the encoding request form includes a mailing bar code. Sauerwine teaches a method of creating a mailer business form having a mailing bar code (fig. 1, mailing bar code 136).

It would have been obvious to an artisan at the time of the invention to include Sauerwine's teaching with method of Wiser, Gongwer, Speicher, Krisknaswamy and Pallakoff in order to provide the option of mailing the media file associated with a bar code for tracking the file.

However, Wiser, Gongwer, Speicher, Pallakoff, Krisknaswamy and Sauerwine fail to teach the bar code is used to match shipped media program files to the first request to encode.

Cameron teaches matching bar code to a priced file. (column 1, lines 1-30)

It would have been obvious to an artisan at the time of the invention to include Cameron's teaching with method of Wiser, Gongwer, Speicher, Pallakoff, Krisknaswamy and Sauerwine in order to provide an efficient method to record a sale.

Claim 15 is similar in scope to claim 6, and is therefore rejected under similar rationale.

Claims 7-8 and 16-17 are rejected under 35 U.S.C. l03(a) as being unpatentable over Wiser et al. ("Wiser", US 6,385,596) in view of Gongwer et al. (US 6,138,120) in view of Speicher (US 2004/0260792) further in view of Pallakoff US 6,269,343 further in view of Krisknaswamy (US 5,867,494) further in view of Vigneaux et al. ("Vigneaux", US 5,852,435).

As per claims 7-8, although Wiser, Gongwer, Speicher, Pallakoff, and Krisknaswamy teach the control of managing files, they fail to teach the control of the design of the files.

Vigneaux teaches a multimedia editing system providing automated online design control, wherein the design control comprises the control of one or more of sequencing of segments of the one or more encoded media files; selection of music for each segment of the one or more encoded media files; and alteration of the segments of the one or more encoded media

files, wherein the segments of the one or more encoded media files comprise two or more slides, frames, or video clips (col.9, lines 1-6).

It would have been obvious to an artisan at the time of the invention to include Vigneaux's teaching with method of Wiser, Gongwer, Speicher, Pallakoff, and Krisknaswamy in order to allow the user to arrange the media file to the user's viewing preference.

Claims 16-17 are similar in scope to claims 7-8 respectively, and are therefore rejected under similar rationale.

Response To Argument

Applicant's arguments with respect to claims 1, 3-8, 10, 12-17, and 21 have been considered but are deemed to be moot in view of the new grounds of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peng Ke
/Peng Ke/
Primary Examiner, Art Unit 2174